

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. V-30.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby  
designated an B-1-B (Limited Business) District under the  
terms of Chapter 33 of the Code of the City of Fort Wayne,  
Indiana of 1974:

Part of the Southwest Quarter of the Southwest Quarter of  
Section 22, Township 31 North, Range 13 East, Allen  
County, Indiana, more particularly described as follows,  
to wit:

COMMENCING at the Southwest corner of the Southwest One-  
quarter of Section 22, Township 31 North, Range 13 East;  
thence North 0 degrees 00 minutes East along the West  
line of said Southwest One-quarter, a distance of 250.0  
feet to the point of beginning. BEGINNING at the above  
described point; thence continuing North along said West  
line, a distance of 907.0 feet to a point located 140.0  
feet South of the South line of Maplewood Downs, Section  
II; thence North 89 degrees 36 minutes East and parallel  
to said South line, a distance of 818.3 feet; thence  
South 36 degrees 47 minutes 30 seconds West, a distance  
of 122.16 feet; thence South 83 degrees 30 minutes West,  
a distance of 23.6 feet; thence South 00 degrees 00  
minutes West and parallel to the West line of said  
Southwest Quarter, a distance of 806.72 feet to a point  
situated 250.0 feet, North 00 degrees 00 minutes, East  
from the South line of said Southwest Quarter; thence  
South 89 degrees 34 minutes West and parallel to said  
South line, a distance of 721.7 feet to the point of  
beginning, containing 15.16 acres of land, subject to  
legal right-of-way for Maplecrest Road, subject to a  
drainage easement dedicated in Document #81-005033 in the  
Office of the Recorder of Allen County, Indiana, subject  
to the statutory drainage easement for Bullerman Drain  
(I.C. 36-9-27-33), subject to legal right-of-way for  
Maplecrest Road and subject to all other easements of  
record.

TOGETHER WITH THE FOLLOWING PARCEL ON STELLHORN ROAD

COMMENCING at the Southwest corner of the Southwest One-  
quarter of Section 22, Township 31 North, Range 13 East;  
thence North 89 degrees 34 minutes 00 seconds East along  
the South line of said Southwest One-quarter, a distance  
of 370 feet; thence North 00 degrees 26 minutes 00  
seconds West, a distance of 40 feet to the North right-  
of-way of Stellhorn Road also being the point of  
beginning; thence continuing North 00 degrees 26 minutes  
West, a distance of 210.00 feet; thence North 89 degrees  
34 minutes East, a distance of 410.84 feet to the West  
line of a 50 foot roadway easement as recorded in Deed  
Record 548, page 177; thence South along a curve to the  
right having a radius of 745.0 feet, a length of 81.51  
feet subtended by a chord having a length of 81.50 feet  
and a chord bearing of South 3 degrees 28 minutes 31  
seconds East; thence South 00 degrees 07 minutes East, a  
distance of 128.61 feet to the North right-of-way of  
Stellhorn Road; thence South 89 degrees 34 minutes West  
along said North right-of-way, a distance of 415 feet to  
the point of beginning, containing 2.0 acres, more or



#539  
less, and subject to all easements and rights-of-way of record.

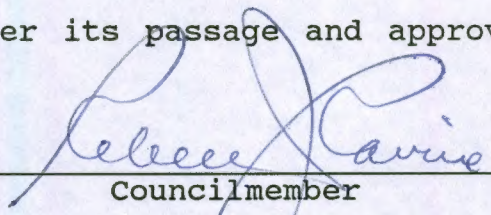
1  
2 SECTION 2. That the area described as follows is hereby  
3 designated an R-1 (Single Family) District under the terms of  
4 Chapter 33 of the Code of the City of Fort Wayne, Indiana of  
5 1974:

6 Part of the Southwest Quarter of the Southwest Quarter of  
7 Section 22, Township 31 North, Range 13 East, Allen  
8 County, Indiana, more particularly described as follows,  
to-wit:

9 COMMENCING at the Southwest corner of the Southwest One-  
10 quarter of Section 22, Township 31 North, Range 13 East;  
11 thence North 0 degrees 00 minutes East along the West  
12 line of said Southwest One-quarter, a distance of 1157.0  
13 feet to the point of beginning. BEGINNING at the above  
14 described point; thence continuing North along said West  
15 line, a distance of 140.00 feet to a point located on the  
16 South line of Maplewood Downs, Section II; thence North  
89 degrees 36 minutes East along said South line, a  
distance of 923.6 feet; thence South 36 degrees 47  
minutes 30 seconds West, a distance of 175.74 feet to a  
point 140.00 feet South of the South line of Maplewood  
Downs, Section II; thence South 89 degrees 36 minutes 00  
seconds West, a distance of 818.3 feet to the point of  
beginning, containing 2.80 acres of land, more or less,  
and subject to all easements and rights-of-way of record.

17 and the symbols of the City of Fort Wayne Zoning Map No. V-30,  
18 as established by Section 11 of Chapter 33 of the Code of the  
19 City of Fort Wayne, Indiana are hereby changed accordingly.  
20

21 SECTION 3. That this Ordinance shall be in full force  
22 and effect from and after its passage and approval by the  
23 Mayor.  
24

25   
Councilmember

26 APPROVED AS TO FORM AND LEGALITY:

27   
28 J. TIMOTHY MCCAULAY, CITY ATTORNEY  
29  
30  
31  
32



Read the first time in full and on motion by Ravine,  
and duly adopted, read the second time by title and referred to the  
Committee on Regulation (and the City Plan Commission  
for recommendation) and Public Hearing to be held after due legal notice, at  
the Common Council Council Conference Room 128, City-County Building, Fort  
Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock  
\_\_\_\_\_, M., E.S.T.

DATED: 6-22-93

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Ravine,  
and duly adopted, placed on its passage. PASSED lost  
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>7</u>			<u>2</u>
BRADBURY				<u>✓</u>
EDMONDS	<u>✓</u>			
GIAQUINTA				<u>✓</u>
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 10-26-93  
Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING) ORDINANCE RESOLUTION, NO. 2-07-93  
on the 26th day of October, 1993

ATTEST:  
Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

(SEAL)  
Thomas P. Henry  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the 27th day of October, 1993,  
at the hour of 2:30 o'clock P., M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 2nd day of November,  
1993, at the hour of 10:30 o'clock P. A M., E.S.T.

PAUL HELMKE  
PAUL HELMKE, MAYOR

# RECEIPT

No 14866

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IN., 5/12 1993

RECEIVED FROM Hoges, Swift et al \$ 265.00  
 THE SUM OF two hundred + sixty-five + 00 DOLLARS  
 ON ACCOUNT OF Stellhorn Village

2334 B1A, B2A + R1 to B1B  
TaxB

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

AUTHORIZED SIGNATURE



THIS IS TO BE FILED IN DUPLICATE

RECEIPT NO. 14866  
DATE FILED 5-12-93  
INTENDED USE \_\_\_\_\_

I/We MacKIDS, INC.  
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/~~an~~ B1A, B2A, R1 District to a/~~an~~ B1B District the property described as follows:

See Attached Legal Description \* and R1 and B2A TO R1  
7/28  
6/4/93

(Legal Description) If additional space is needed, use reverse side.  
ADDRESS OF PROPERTY IS TO BE INCLUDED:

Stellhorn Village on the northeast corner of the Maplecrest and Stellhorn intersection.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

By	<u>MacKIDS, INC.</u>	<u>410 Regents Park Lane</u>	<u>Charles R. McLochlin</u>
	<u>Chuck McLochlin</u>	<u>Noblesville, IN 46060</u>	<u>(Signature)</u>
	<u>(Name)</u>	<u>(Address)</u>	<u>Charles R. McLochlin</u>

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_  
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.  
William D. Swift 803 South Calhoun Street Suite 500 (219) 423-4422  
(Name) Fort Wayne, IN 46802 (Address & Zip Code) (Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Owners of Property

(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE  
This form is to be filed in duplicate.

NOTICE:  
FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST  
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.  
  
FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING  
FROM BEING HELD.



## **STELLHORN/MAPLECREST B1B REZONING DESCRIPTION**

Part of the Southwest Quarter of the Southwest Quarter of Section 22, Township 31 North, Range 13 East, Allen County, Indiana, more particularly described as follows, to wit:

COMMENCING at the Southwest corner of the Southwest One-quarter of Section 22, Township 31 North, Range 13 East; thence North 0 degrees 00 minutes East along the West line of said Southwest One-quarter, a distance of 250.0 feet to the point of beginning. BEGINNING at the above described point; thence continuing North along said West line, a distance of 907.0 feet to a point located 140.0 feet South of the South line of Maplewood Downs, Section II; thence North 89 degrees 36 minutes East and parallel to said South line, a distance of 818.3 feet; thence South 36 degrees 47 minutes 30 seconds West, a distance of 122.16 feet; thence South 83 degrees 30 minutes West, a distance of 23.6 feet; thence South 00 degrees 00 minutes West and parallel to the West line of said Southwest Quarter, a distance of 806.72 feet to a point situated 250.0 feet, North 00 degrees 00 minutes East from the South line of said Southwest Quarter; thence South 89 degrees 34 minutes West and parallel to said South line, a distance of 721.7 feet to the point of beginning, containing 15.16 acres of land, subject to legal right-of-way for Maplecrest Road, subject to a drainage easement dedicated in Document # 81-005033 in the Office of the Recorder of Allen County, Indiana, subject to the statutory drainage easement for Bullerman Drain (I.C. 36-9-27-33), subject to legal right-of-way for Maplecrest Road and subject to all other easements of record.

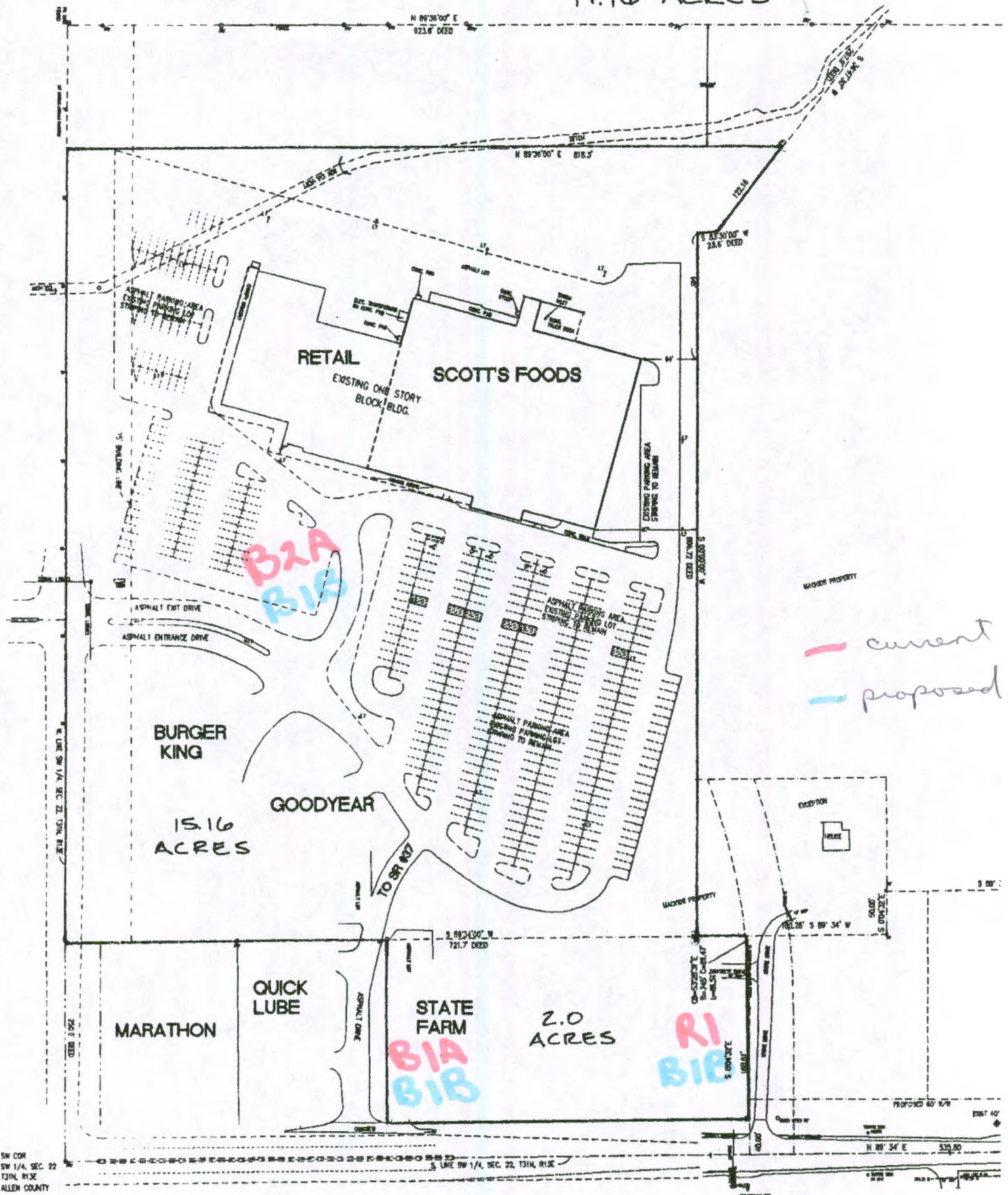
### **TOGETHER WITH THE FOLLOWING PARCEL ON STELLHORN ROAD**

COMMENCING at the Southwest corner of the Southwest One-quarter of Section 22, Township 31 North, Range 13 East; thence North 89 degrees 34 minutes 00 seconds East along the South line of said Southwest One-quarter, a distance of 370 feet; thence North 00 degrees 26 minutes 00 seconds West, a distance of 40 feet to the North right-of-way of Stellhorn Road also being the point of beginning; thence continuing North 00 degrees 26 minutes West, a distance of 210.00 feet; thence North 89 degrees 34 minutes East, a distance of 410.84 feet to the West line of a 50 foot roadway easement as recorded in Deed Record 548, page 177; thence South along a curve to the right having a radius of 745.0 feet, a length of 81.51 feet subtended by a chord having a length of 81.50 feet and a chord bearing of South 3 degrees 28 minutes 31 seconds East; thence South 00 degrees 07 minutes East, a distance of 128.61 feet to the North right-of-way of Stellhorn Road; thence South 89 degrees 34 minutes West along said North right-of-way, a distance of 415 feet to the point of beginning, containing 2.0 acres, more or less, and subject to all easements and rights-of-way of record.

# STELLHORN/MAPLECREST B1B REZONING

MAY 12, 1993 SCALE 1"=150'  
17.16 ACRES

MAPLEWOOD DOWNS SEC. II





STELLHORN VILLAGE NORTH 140 FOOT ZONING DESCRIPTION

Part of the Southwest Quarter of the Southwest Quarter of Section 22, Township 31 North, Range 13 East, Allen County, Indiana, more particularly described as follows, to wit:

COMMENCING at the Southwest corner of the Southwest Quarter of Section 22, Township 31 North, Range 13 East; thence North 89 degrees 36 minutes East along the West line of said Southwest One quarter Section 22, a distance of 140.00 feet to the point of beginning. BEGINNING at the above described point, thence North along said West line, a distance of 140.00 feet to a point located on the South line of Maplewood Downs, Section 11; thence North 89 degrees 36 minutes East along said South line, a distance of 933.6 feet; thence South 36 degrees 47 minutes 30 seconds West, a distance of 175.74 feet to a point 140.00 feet South of the South line of Maplewood Downs, Section 11; thence South 89 degrees 36 minutes 00 seconds West, a distance of 818.3 feet to the point of beginning, containing 2.86 acres of land, more or less, and subject to all easements and rights-of-way of record.

6-3-93

VERBAL from Bill Swift

REZONE Parts I & II to B1B

Part 3 from R1 & B2A to R1

Bill will be in to initial the  
Actual petition tomorrow

WJS



**FAX Transmission**

COIL & DICKMEYER, INC.

[illegible][illegible]



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 22, 1993 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-93-06-19; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 21, 1993.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;


(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 28, 1993.

Certified and signed this  
13th day of September 1993.



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Robert Hutner  
Secretary



#539

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE Stellhorn Village on the northeast corner of the Maplecrest and Stellhorn Roads.

2-93-06-19

EFFECT OF PASSAGE Property is currently zoned B-1-A - Limited Business District; B2A - Neighborhood Shopping Center & R-1 - Single Family Residential. Property will become B-1-B - Limited Business District & R-1 - Single Family Residential.

EFFECT OF NON-PASSAGE Property will remain zoned B-1-A - Limited Business District; B2A - Neighborhood Shopping Center & R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE) \_\_\_\_\_

**FACT SHEET**

Z-93-06-19

BILL NUMBER

**Division of Community  
Development & Planning****BRIEF TITLE**

Zoning Map Amendment

**APPROVAL DEADLINE****REASON**

From B1A, R1 &amp; B2A to B1B &amp; R-1

**DETAILS****Specific Location and/or Address**

Northeast corner of Maplecrest &amp; Stellhorn Roads.

**Reason for Project**

In order to get a more orderly development located on this corner.

**Discussion (Including relationship to other Council actions)**21 June 1993 - Public Hearing

See Attached Minutes of Meeting

28 June 1993 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation contingent upon the following:

1) As a landscape buffer was a mandated requirement of approval when this site was developed, the developer should enter into a restrictive covenant (or alternative contractual means) setting forth the establishment and maintenance of a landscaping buffer as originally shown on the development plan, and should run to the satisfaction and enforcement of the Maplewood Terrace and Downs Neighborhood Association.

When such document is signed and recorded, we recommend the following:

**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents**

Applicant(s)  
MacKids Inc  
City Department

Other

**Opponents**

Groups or Individuals  
Rudolph Wuttke, 5124 Pheasant  
Nadine Recht, 6853 Woodcrest

**Basis of Opposition**  
-would increase the traffic  
in an area that already has  
a serious traffic problem

**Staff  
Recommendation**☒ For ☐ Against

Reason Against

**Board or  
Commission  
Recommendation**

By

☒ For ☐ Against☐ No Action Taken

☐ For with revisions to conditions  
(See Details column for conditions)

**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**☐ Pass ☐ Other☐ Pass (as amended) ☐ Hold☐ Council Sub. ☐ Do not pass



DETAILS

The southern acreage as described in the petition should be rezoned to B-1-B, and the northern acreage as described in the petition should be rezoned to R-1, all for the following reasons:

- 1) Approval is consistent with the Comprehensive Plan.
- 2) Approval is consistent with the existing development and zoning patterns in the area.
- 3) Approval should not have a negative impact on area property values.

Of the seven (7) members present, six (6) voted in favor of the motion, one (1) did not vote. Motion carried.

NOTE: This petition has been held pending the petitioner satisfying the above stated conditions.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 12 May 1993

Projected Completion or Occupancy Date 13 September 1993

Fact Sheet Prepared by Date 13 September 1993

Patricia Biancaniello

Reviewed by Date 14 September 1993

Reference or Case Number

- a. Bill No. Z-93-06-19 - Change of Zone #539  
From B-1-A, B-2-A & R-1 to B-1-B; and  
From R-1 and B-2-A to R-1  
Northeast corner of Maplecrest & Stellhorn Roads

William Swift, attorney for the petitioners and owners McKids Inc., appeared before the Commission. Mr. Swift stated that McKids Inc., owns the shopping center and the property immediately to the east. He stated that the parcels on Stellhorn Road are not owned by McKids Inc as well as a house immediately to the east of the parking area of the shopping center. He stated that the petitioner however does own more than 50% of the property in question. Mr. Swift stated that they originally wanted to have the entire 28 acre parcel rezoned to B-2-A and in meeting with the Plan Commission staff they were convinced that it was not the right procedure. He stated that what they have applied for now is a compromise. He stated that it is a suggested method of trying to get control of the development of this particular corner. He stated that in essence they are rezoning the main shopping center itself and the parcel south of it, that fronts on Stellhorn Road, from their existing zoning classifications of B-2-A, B-1-A and R-1 to B-1-B. He stated to the north of the shopping center there is a parcel that adjoins the residential community. He stated that they are asking to rezone that to R-1. He stated that the 8 acres on the east side of the shopping center will be left at its present classification, which is R-3 and R-2. He stated that the intent is to give the developer some ability to expand the uses in the shopping center itself and bring the parcels on the south into a consistent zoning with the shopping center. He stated that they wanted to rezone the property on the north to residential to buffer the residential area to the north. He stated that in addition to rezoning the property on the north to R-1 the petitioner has discussed with the staff that they are willing to enter into a landscape plan on that area. He stated a plan that they feel should be approved by the City Plan Commission staff, but be enforceable by the neighbors in the area. He stated that this property was in the county when it was originally rezoned to a C2A. It was then almost immediately annexed. He stated that in the county the C2A does permit a car wash. He stated that the B2A classification given to the parcel by the city after annexation specifically excludes a car wash. He stated that they lost the use of the car wash upon annexation. He stated that one of the uses that they propose to use on the very southern end of this shopping center parcel would be a car wash. He stated that they hope by changing the zoning to a B-1-B they will gain the car wash use back. He stated that they feel that this zoning is compatible with the other zoning at the 4 corners of this particular intersection. He stated that his clients are willing to dedicate any additional right-of-way needed for the widening of Maplecrest Road and/or Stellhorn Road. He stated that the 8 acres on the east side will remain zoned residential at this point. He stated that in the discussions with staff they would not come in for any rezoning on that property without having a definite development plan and uses that would be consistent with buffering the shopping center with



the residential area to the north and to the east.

Mel Smith questioned what the size of the buffer was that was to remain R-1 to the north.

Mr. O'Brien stated that it was approximately 140 feet deep along the Maplecrest Road frontage and 800 feet east.

Mel Smith questioned what was on the property.

Kerry Dickmeyer, engineer, stated that there is very little vegetation on the property and just a couple of telephone poles.

Rudolph Wuttke, 5124 Pheasant Run appeared before the Commission in opposition to the rezoning. Mr. Wuttke stated that he was on the Board of Directors of the Bohde Grove Association. Mr. Wuttke stated that the purpose of the rezoning is to increase the number of and type of businesses in the Stellhorn Shopping Center. He stated that at the present time there are about 12 businesses in there. He stated that the News Sentinel carried an article which stated that the total combined dollar value for the three shopping centers located at the Maplecrest and Stellhorn area was near the top in the state, excluding the enclosed malls. He stated that the area is a residential neighborhood. He stated that businesses have been permitted to move in and expand to the detriment and well being of the residents of the surrounding neighborhoods. He stated that he was sure that everyone was aware of the volume of traffic in the Stellhorn and Maplecrest area as a result of these three shopping centers at this intersection. He stated that if the request for the B-1-B zoning is approved it is not difficult to envision the increase of traffic volume. He stated that on February 25, 1993 the Board of Zoning Appeals unanimously turned down a request for a car wash at the northwest corner of Stellhorn Shopping Center. He stated that the action was taken mainly because of the concern of the increased traffic volume on Maplecrest Road. He stated that this proposed zoning would permit a car wash in the center. He stated that permitting the rezoning request would contribute to an already bad traffic situation. He stated that Stellhorn Road is in the final stages of being widened to 4-lanes from Coliseum Blvd., to the Maplecrest Road intersection, but not beyond Maplecrest where this rezoning has been requested. He stated that at a public information meeting on May 18, 1993 it was disclosed that the widening of Maplecrest Road from St. Joe Center Road to Stellhorn Road would not begin until late 1996 or early 1997. He stated that is three years down the road. He stated that if the requested rezoning is granted the resulting increased businesses and the traffic they will generate will create a traffic gridlock the likes of Fort Wayne and Allen County have not seen. He questioned the developer about putting up a landscape screen on the north portion of the property that is to be zoned R-1. He stated that a landscape screen was to be put up when the property was originally rezoned for the shopping center and it has not been done. He felt they could not rely on them to landscape that area in the future. He stated that if they are

looking for an area to expand businesses to why not the three vacant areas at the intersection of Stellhorn and Lahmeyer Roads.

Nadine Recht, 6853 Woodcrest Drive, she stated that she also owns a home across from the property that they are trying to rezone. She stated that Mr. Wuttke had stated a lot of her concerns already. She stated that it appeared to her that little planning has been done on this project. She stated that if the car wash was rejected for Maplecrest access, it certainly should be rejected for Stellhorn, because besides being very busy now, Stellhorn is already receiving the traffic from I-469, and it certainly will become more congested. She stated that she was representing 415 families in Maplewood.

Mr. Swift stated that he did not have any rebuttal. He stated that the question that had been directed about the landscaped had been addressed. He stated that they do agree to enter into a landscaping plan in the buffer area to the north. The plan would have to be approved by the City Plan Commission staff and would run to the neighboring community association.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.



2) Approval is consistent with the existing development and zoning patterns in the area.

3) Approval should not have any negative impact on area property values.

existing infrastructure. Staff has been advised through the Transportation and Technical Committee that additional right-of-way is needed along Maplecrest Road in order to facilitate safe traffic movement by allowing a street widening project, and other intersection improvements.

Staff recognizes that approval of this petition would allow the developer maximum growth potential, consistent with the general character of commercial development at this intersection. Setting a firm policy for future growth (north and east) would also provide a certain level of protection for the established residential uses.

Other concerns have been raised during the evaluation process, and through conversations with surrounding residents. Residents to the north have expressed a concern with a perceived failure to implement and maintain a landscape buffer along the northern portions of the existing development. Staff has suggested to the developer that consideration be given to a private agreement with the neighborhood association, or abutting owners, that would provide for establishment and maintenance of an acceptable landscape buffer. Such agreement would clearly reinforce the staff's suggested policy for growth in this area, and would potentially encourage the residents to support this petition.

Staff believes that the requested B-1-B zoning would provide compatibility and balance in view of the zoning and existing development of the other three corners. The loss of development plan control over the acreage is somewhat offset by placement of the strong policy regarding future development to the north and east. While we have a remaining concern regarding potential traffic safety, that will be addressed with future improvements to Maplecrest Road.

Recommendation: Conditional Approval, contingent upon the developer satisfying the following:

- 1) As a landscape buffer was a mandated requirement of approval when this site was developed, the developer should enter into a restrictive covenant (or alternative contractual means) setting forth the establishment and maintenance of a landscape buffer as originally shown on the development plan, and should run to the satisfaction and enforcement of the Maplewood Terrace and Downs Neighborhood Association.

When such document is signed and recorded, the staff would recommend the following:

The southern acreage as described in the petition should be rezoned to B-1-B, and the northern acreage as described in the petition should be rezoned to R-1, all for the following reasons:

- 1) Approval is consistent with the Comprehensive Plan.



area was annexed fairly recently. The petitioned property is located at the northeast corner of Maplecrest and Stellhorn Roads. The other three corners of this intersection are zoned B-1, with B-1-B being the predominant zoning.

This petition offers the Plan Commission the opportunity to establish a growth policy for this area. Staff is concerned with the impact of the petition, as both corridors are very important to overall development patterns in terms of land use and traffic management.

Staff took a very careful look at existing and projected uses in the area in conducting its evaluation. It would appear that the ground immediately at the intersection has been developed commercially to serve the many residences that are located in the area.

To the north is a well established residential subdivision that is somewhat buffered from these commercial uses by a drainage ditch. To the east is an area of open ground which also abuts a well established residential subdivision.

Staff's concern are with preserving the residential integrity of existing properties to the north and east, and the impact that the rezoning could have on infrastructure and safety issues.

This petition allows the Plan Commission the opportunity to establish a strong policy for development in the area surrounding this intersection. As the Comprehensive Plan suggests, compatibility and balanced development are needed. Staff would suggest that the maximum commercial growth to the north is the northern extent of the already developed commercial area. Any further commercial uses would negatively impact the established residential uses. The petitioner understands the reasonableness of this suggestion and has included the rezoning of the northern 140 foot parcel to R-1 as requested by staff.

Staff would further suggest that the eastern boundary of this petition also represents the maximum extent of commercial uses. The open ground between the existing Stellhorn Village and the residences in Maplewood Terrace should be utilized as a transitional or buffer zoning. The current zoning would allow some blending of multi-family and duplex uses, with the possibility of offices closest to the commercial area.

The Stellhorn Road frontage is a bit different. Currently there are commercial zonings along Stellhorn Road, with the exception of approximately 2 acres which has been included in this petition.

Approval of this petition allows the developer the opportunity to include some additional uses that could intensify the nature of the development. Likewise, approval would allow for a potential increase in density of development. Increases in density and intensification of uses could place additional demands on the

William Swift, attorney for MacKIDS, INC., requests a change of zone from B-1-A, B-2-A and R-1 to B-1-B and from R-1 and B-2-A to R-1.

Location: NE corner of Maplecrest and Stellhorn Roads

Legal: See file

Land Area: Approximately 19.7 acres.

Zoning: B-2-A, B-1-A, and R-1

Surroundings:	North	County	Residential (Single Family)
	South	B1/R1	Commercial & Residential
	East	R-3/B1B	Residential
	West	B1B	Commercial

Reason for Request: Not stated on petition

Neighborhood Assoc.: None

Comprehensive Plan: The general land use policies of the Comprehensive Plan states that development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This property is located within the Northeast Sector of the Outer Ring. The goal of the Northeast Sector is to maintain a balanced development pattern within the urban service area.

Neighborhood Plan: No comment.

Landscape: The present zoning allows for site and landscape plan review for any future site modifications. Rezoning will remove almost all the existing landscape standards and would even allow the owner to remove some of the existing landscaping. Properties which have complex site plans and interactive design elements should be in planned districts so that the maximum benefit to the community and owners may be balanced more effectively. This site has those qualities.

Planning Staff Discussion:

Originally developed under the jurisdiction of the county, this

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 22, 1993 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-93-06-19; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 21, 1993.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

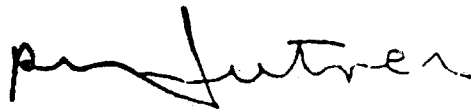
(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 28, 1993.

Certified and signed this  
13th day of September 1993.



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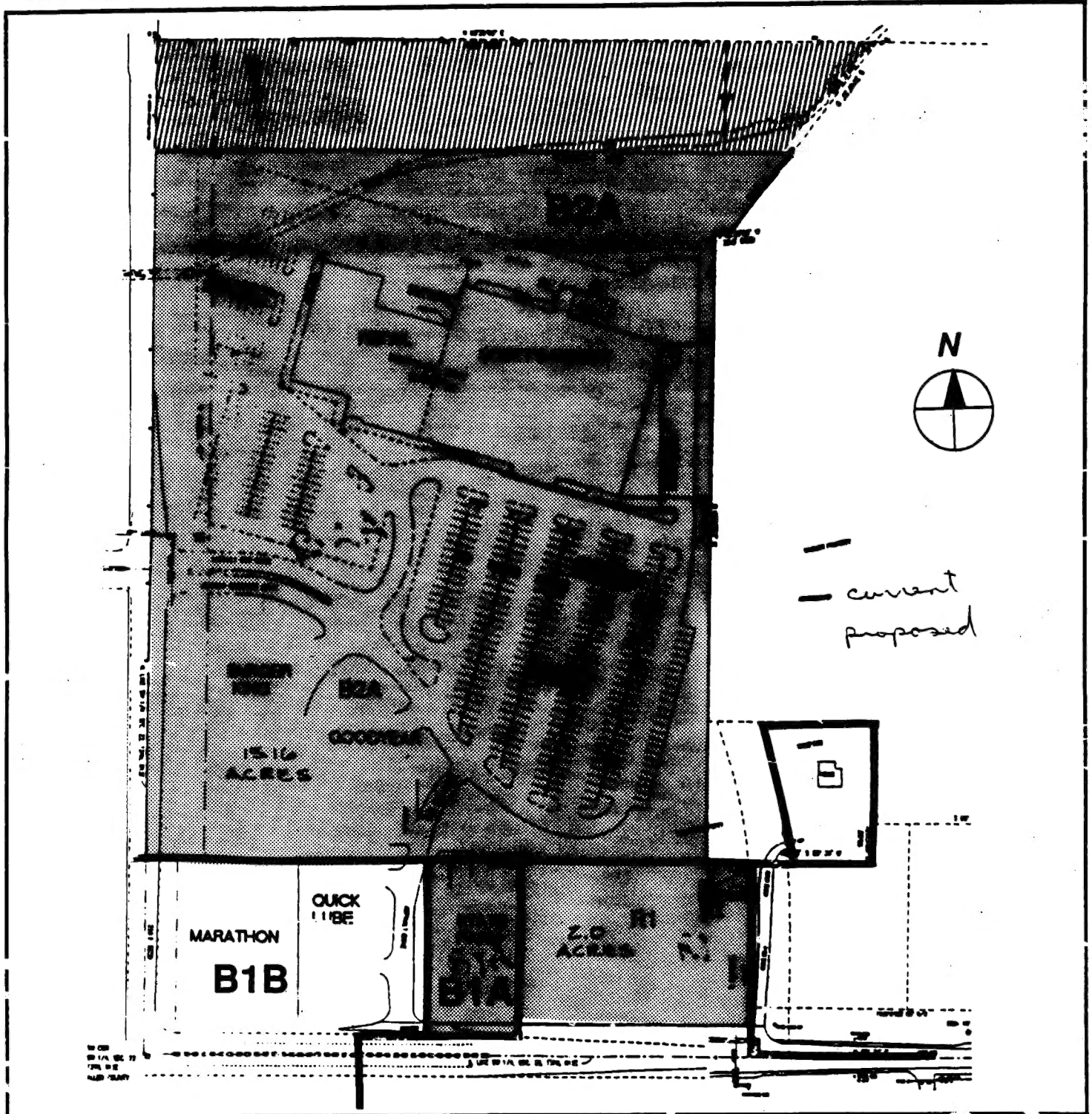
Robert Hutner  
Secretary



# REZONING PETITION

AREA MAP

CASE NO. #539



COUNCILMANIC DISTRICT NO. 2

Map No. V-30

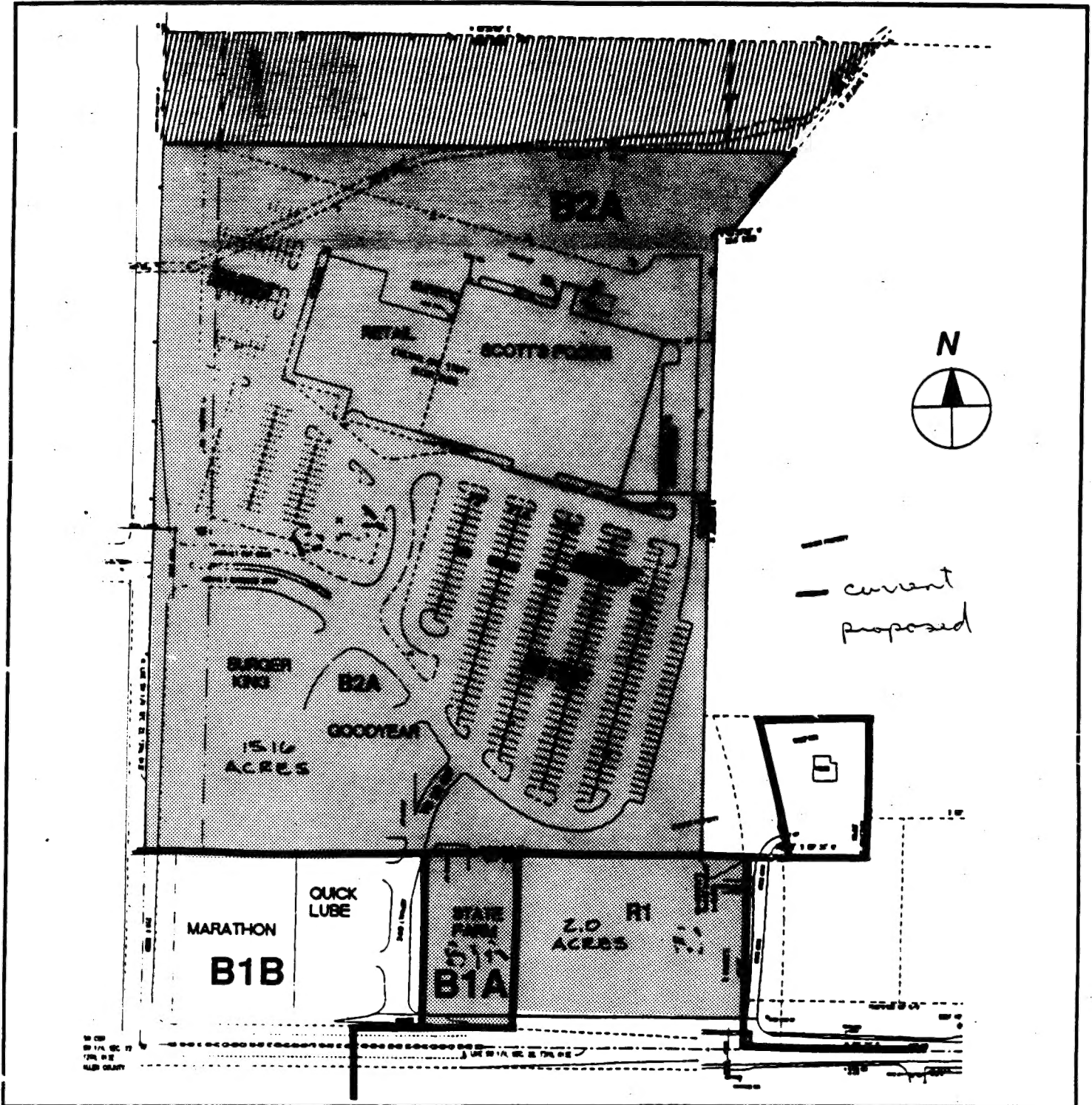
LW 5-19-93

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential'	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

# REZONING PETITION

AREA MAP

CASE NO. #539



COUNCILMANIC DISTRICT NO. 2

Map No. V-30  
LW 5-19-93

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
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RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

BILL NO. Z-93-06-19

*Hold  
till Oct 26th*

REPORT OF THE COMMITTEE ON  
REGULATIONS

DAVID C. LONG & REBECCA J. RAVINE - CO-CHAIRPERSONS  
LUNSEY, SCHMIDT

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City  
of Fort Wayne Zoning Map No. V-30

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*Rebecca Ravine*  
*David C. Long*  
*DSM*

DATED: 10-26-93

Sandra E. Kennedy  
City Clerk